



NONIMMIGRANT TREATY TRADER/INVESTOR APPLICATION SUPPLEMENT TO FORM OF-158/J-129

(USE ADDITIONAL SHEETS OF PAPER, AS NECESSARY, TO COMPLETE RESPONSES)

PART I - BUSINESS PROFILE

1. NAME OF U.S. ENTERPRISE, BUSINESS, OR COMPANY

2. TYPE OF BUSINESS ENTERPRISE:

☐ Corporation

☐ Branch/Liaison Office

☐ Partnership

☐ Privately owned

☐ Joint Venture

☐ Subsidiary

☐ Other _____

3. ADDRESS OF HEADQUARTERS, SUBSIDIARIES AND BRANCH OFFICES OF U.S. ENTERPRISE (Specify type of office)

4. DATE AND PLACE BUSINESS WAS ESTABLISHED OR INCORPORATED IN UNITED STATES (Attach appropriate documentation; e.g., corporate papers, partnership agreement, etc.)

5. WHAT IS THE NATURE OF THE BUSINESS?

☐ General Trade

☐ Exports from U.S.

☐ Retail Sales

☐ Other (describe)

☐ Imports to U.S.

☐ Manufacturing

☐ Services/Technology

6. DESCRIBE FULLY THE SERVICES, PRODUCTION, OR OTHER ACTIVITY IN NO. 5 ABOVE.

7. NAME AND ADDRESS OF FOREIGN PARENT BUSINESS (If any)

8. NATIONALITY OF FOREIGN ENTITY (Corporation, Partnership, etc.) OR FOREIGN INDIVIDUAL OWNER OF U.S. BUSINESS (Attach documentation)

NAME	NATIONALITY	IF INDIVIDUAL IMMIGRATION STATUS/ OF RESIDENCE	INVESTOR, STATUS/ COUNTRY	PERCENT OF OWNERSHIP
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Total - 100%

9. FINANCIAL STATEMENT FOR YEAR

☐ CALENDAR YEAR

☐ FISCAL YEAR (Attach most recent financial statement or auditor's report)

Total Assets of U.S. Business: _____

Total Liabilities: _____

Owner's Equity: * _____

Total Annual Operating Income: _____

☐ Current Cash

☐ Historical Cost

Before Taxes

After Taxes

* Owner's equity of a corporation refers to paid-in capital plus retained earnings; partners capital accounts in a partnership; and owner's capital account in a sole proprietorship.

PART III - APPLICANT

16. NAME OF APPLICANT
 (Family Name) (First Name) (Middle Name)

17. TYPE OF APPLICANT:

☐ Principal owner/investor/trader

☐ Supervisor

☐ Specialist

☐ Manager

☐ Executive

☐ Other _____

18. PRESENT POSITION AND DUTIES (Describe in detail).

19. NAME AND ADDRESS OF EMPLOYER

20. YEARS WITH PRESENT EMPLOYER

21. HIGHEST LEVEL OF EDUCATION

School:

Major/Subject:

Degree:

Year:

22. OTHER RELEVANT EXPERIENCE AND EDUCATION (Attach curriculum vitae - Optional)

23. POSITION IN UNITED STATES

Title: _____

Description of duties (include names and titles of all immediate subordinates):

24. ANNUAL U.S. SALARY
AND BENEFIT PACKAGE

_____ Salary

_____ Allowances/Benefits

_____ TOTAL

25. NAME OF PERSON IN UNITED STATES BEING REPLACED: _____

Type of Visa: _____

Date issued: _____

Place issued: _____

If NOT a replacement, is this:

a. An increase in staff?

☐ Yes

☐ No

b. Continuation of existing employment in the United States?

☐ Yes

☐ No

26. I do solemnly swear or affirm that all statements which appear in this application are true and complete to the best of my knowledge and belief.

Signature of Responsible Officer

Printed Name and Position or Office

Date

27. NAME AND ADDRESS OF PERSON WHO MAY BE CONTACTED ABOUT THIS APPLICATION

Telephone:

FAX:

NONIMMIGRANT TREATY TRADER/INVESTOR VISA APPLICATION

INSTRUCTIONS

This form together with Nonimmigrant Visa Application, OF-156, constitute the application for an E-1 Treaty Trader, or E-2 Treaty Investor Nonimmigrant Visa. See visa requirements below. Incomplete or undocumented applications will be returned.

All first-time applicants seeking Treaty Trader or Treaty Investor status must complete Parts I and II. Parts I & II must be updated periodically. All individual applicants must complete Part II and Form OF-156. You must answer all relevant questions. Enter "Not applicable" where appropriate. If an enterprise is not yet fully operational, estimates and projections should be made concerning potential income, job creation, volume of sales, etc.

Supporting documents should be submitted in a binder with a table of contents and tabs. The following are examples of supporting documentation which should be attached to first-time applications (not every type of document is applicable in each case; the consular officer may request additional information if required): Evidence of possession and control of investment funds (bank records, financial statements, loans, savings, etc.); evidence of remittance to the United States (bank drafts, transfers, exchange permits, receipts, etc.); evidence of establishment of business in the United States (articles of incorporation, partnership agreement, organization and staffing charts, shares, titles, contracts, receipts, licenses, leases, etc.); evidence of the nationality of the investors/traders (passports, articles of incorporation of parent company, stock exchange listings, etc.); evidence of trade between the United States and the treaty country (invoices, bills of lading, customs clearances, warehouse receipts, shipping receipts, sales receipts, contracts, etc.); evidence of investment in the United States (titles, receipts, contracts, loans, bank statements, etc.); evidence of substantiality (financial statements, audits, U.S. corporate or business tax returns, etc.); evidence that the enterprise is not marginal (payroll records, IRS Form 941, personal tax returns, evidence of other personal assets and income); evidence that the business is a real, operating enterprise (annual reports, catalogs, sales literature, news articles; and other evidence as appropriate); curriculum vitae of the proposed visa recipient (optional).

Use additional sheets of paper, as necessary, to complete responses.

TREATY TRADER AND TREATY INVESTOR VISA REQUIREMENTS

Section 101(a)(15)(E) of the Immigration and Nationality Act provides nonimmigrant visa status for a national of any of the countries with which the United States maintains an appropriate treaty of commerce and navigation, who is coming to the United States to carry on substantial trade, including trade in services or technology, principally between the United States and the treaty country, or to develop and direct the operations of an enterprise in which the national has invested, or is actively in the process of investing a substantial amount of capital. The requirements for Treaty Trader and Treaty Investor visas are further elaborated in 22 C.F.R. Part 41.51. These requirements are summarized below:

Requirements for a Treaty Trader (E-1) nonimmigrant visa are:

1. The applicant must be a national of a treaty country.
2. The trading firm for which the applicant is coming to the United States must have the nationality of the treaty country.
3. The international trade must be "substantial" in the sense that there is a sizable and continuous volume of trade.
4. The trade must be principally between the United States and the treaty country, which means that more than 50% of the international trade involved must be between the United States and the country of the applicant's nationality.
5. Trade means the international exchange of goods, services and technology. The item of trade, and title of that item, must pass from one party to the other in exchange for consideration passing in return.
6. The applicant must be employed in a supervisory or executive capacity, or possess highly specialized skills essential to the successful and efficient operation of the commercial enterprise. Ordinarily skilled or unskilled workers generally do not qualify.

Requirements for a Treaty Trader (E-2) nonimmigrant visa are:

1. The investor, either a real or corporate person, must be a national of a treaty country.
2. The investment must be substantial. It must be sufficient to ensure the successful operation of the enterprise. The percentage in investment required for a low-cost business enterprise is generally higher than the percentage of investment required for a high-cost enterprise.
3. The investment must be in a real operating commercial enterprise. Speculative or idle investment does not qualify. Uncommitted funds in a bank account or similar security are not considered an investment.
4. The investment may be marginal. It must have the capacity to generate significantly more income than just to provide a living to the investor and family, or it must have a significant economic impact in the United States.
5. The investor must have control of the funds, and the investment must be at risk in the commercial sense. Loans secured with the assets of the investment enterprise are not considered to be at risk.
6. The investor must be coming to the United States solely to develop and direct the enterprise. If the applicant is not the principal investor, he or she must be employed in a supervisory, executive, or highly specialized skills capacity. Ordinarily skilled and unskilled workers do not qualify.